IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 527 of 2007

DATED: 19.1.2007

Between:

Mohd Ghouse & another petitioners

And

The A.P. Power Generation Corpn Ltd
Vidyut Soudha, Somajiguda, Hyderabad-82
Rep by its Managing Director & 2 ors Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 527 OF 2007

ORAL ORDER:

The present writ petition is filed questioning the action of the respondents in not declaring the probation of the petitioners in terms of memo dated 28.10.2005 as illegal and arbitrary.

The petitioners claim that they worked as casual labour in the erstwhile A.P. State Electricity Board and were absorbed as Junior Plant Attendants in terms of B.P.Ms.No. 36 dated 18.5.1997. They were promoted as shunters and fitters vide proceedings dated 25.4.2002 subject to decision in S.L.P. No. 5886 of 2001 filed by the department on the file of the Hon'ble Supreme Court. The said S.L.P. was disposed of by order dated 18.4.2002 holding that under aged/over aged contract labour are not entitled for absorption, however, the appointments already made were not disturbed. Thereafter, the petitioners were promoted vide memo dated 17.3.2005 subject to court decision in W.P. No. 415 of 2004 filed by certain Junior Plant Assistants who were under aged at the time of their first engagement. Proceedings dated 28.10.2005 were issued intimating the dates of regularization of service and dates of commencement of probation. Now the grievance of the petitioners is that they were placed on probation of one year and even after completion of more than four years of successful service their cases are not considered for

declaration of probation. Since their probation is not declared, the petitioners issued a legal notice dated 18.10.2006 requesting the respondents to declare completion of their probation in terms of memo dated 28.10.2005. In turn, the respondents vide letter dated 24.11.2006 informed that the matter is under examination. Hence, the present writ petition seeking a direction to respondents to declare their probation.

Learned standing counsel for respondents submitted that the claims of the petitioners and other similarly situated employees were referred to the Apex Management at Corporate office for taking an appropriate decision and the same was intimated to the petitioners vide letter dated 14.11.2006.

Heard the learned counsel for petitioner and learned standing counsel for respondents.

Admittedly, vide letter dated 14.11.2006 addressed to the counsel of petitioners, it was informed that the matter is being examined and a final decision is awaited. The operative portion of the letter dated 14.11.2006 reads as under.

> "Adverting to your letter cited, I am to inform that the claims of your clients has been referred to the Apex Management at corporate office/Hyderabad for taking an appropriate decision on the disputes raised in the SLP No. 5886/06 in Civil Appeal No. 3115/2002 batch by order dated 18.4.2002.
>
> The said matter is under examination for settlement of the disputes raised by your clients and other workmen, the final decision taken by the apex management may be communicated in due course of time until such time kindly bear with us."

The claims of the petitioners and other similarly situated persons are referred to the Apex Management for taking an appropriate

decision and the matter is under examination for settlement of the disputes and a final decision is awaited. It is not the case of the petitioners that their claim was rejected by the respondents. Since the matter is pending with the Apex Management and a decision is awaited, I see no reason to interfere with the matter at this stage. After taking a final decision and passing appropriate orders, if the petitioners are aggrieved, they are at liberty to challenge the same, before the appropriate forum.

Accordingly, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

DATE: 19.1.2007
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